

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

3.817 ACRES OF LAND, MORE OR
LESS, SITUATE IN ZAPATA COUNTY,
STATE OF TEXAS; AND ZAPATA
COUNTY,

Defendants.

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CASE NO. 5:20-CV-077

JOINT MOTION FOR A CONTINUANCE OF THE STATUS CONFERENCE

The United States, through the Assistant United States Attorney, John A. Smith, and Attorney Carlos Evaristo Flores, counsel for Zapata County, respectfully move for a forty-five (45) day continuance of the Status Conference scheduled for May 19, 2021.

BACKGROUND

The United States commenced this case on May 7, 2020, by filing the Declaration of Taking, which sought to acquire a Right of Entry in property identified as LRT-LZT-1012 and LRT-LZT-1017.¹ On January 20, 2021, President Joseph R. Biden, Jr. issued the Proclamation on the Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction (Proclamation No. 10142, 86 Fed. Reg. 7225 (Jan. 27, 2021)). The Proclamation directed the United States to “pause work on each construction project on the southern border wall, to the extent permitted by law, as soon as possible but in no case later than seven days from the date of this proclamation.” *Id.*

¹ Dkt. No. 2.

1. On March 30, 2021, the Court reset the Status Conference to May 19, 2021, in order to “allow the Government additional time to gather the necessary information to update the Court. As a result, the parties agreed to reset the case.”²

REQUEST FOR RELIEF

The United States requests that the Court continue the Status Conference as it will not prejudice any party of this case. Rather, the United States believes the continuance sought herein will preserve judicial and party resources based on the following reasons:

1. This is a federal land condemnation action seeking to acquire property in order to “conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.”³
2. On January 20, 2021, President Joseph R. Biden, Jr. issued a Presidential Proclamation, terminating the national emergency at the Southern Border Wall and directing “a careful review of all resources appropriated or redirected to construct a southern border wall” through the development of “a plan for the redirection of funds concerning the southern border wall.”⁴
3. The plan for the redirection of funds concerning the southern border wall was expected to be developed within 60 days from the date of the proclamation, but as of this date no guidance has been forthcoming as to Webb and Zapata counties.⁵

Based on the foregoing, the United States request that the Court grant this motion and enter an order continuing the Status Conference for at least 45 days.

² Dkt. 29

³ Dkt. No. 2, Schedule B.

⁴ Proclamation No. 10142, 86 Fed. Reg. 7225 (Jan. 27, 2021).

⁵ *Id.*

CERTIFICATE OF CONFERENCE

On May 18, 2021, the undersigned counsel contacted Attorney Carlos Evaristo Flores, counsel for Zapata County, who advised they were unopposed to the instant motion.

Respectfully submitted,

FOR PLAINTIFF:

JENNIFER B. LOWERY

Acting United States Attorney

Southern District of Texas

FOR DEFENDANT Zapata County:

By: /s/ Carlos Evaristo Flores

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CERTIFICATE OF SERVICE

I, John A. Smith, Assistant United States Attorney for the Southern District of Texas, hereby certify that on this 18 day of May 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

s/ John A. Smith III
JOHN A. SMITH III
Assistant United States Attorney